

Education Legislation The 121st Maine Legislature Second Regular Session



**Part I
Part II**

**Major Education Laws Enacted by the Second Regular Session of the 121st Maine Legislature
Committees, Commissions and Studies Established by the Second Regular Session of the 121st Maine Legislature**

**Prepared by
Maine Department of Education
Susan A. Gendron, Commissioner**

**MAJOR EDUCATION LAWS ENACTED
BY THE SECOND REGULAR SESSION OF THE 121ST MAINE LEGISLATURE**

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
L.D. 47, Resolve. Chapter 147 – <i>Resolve, to Fund Scholarships to the Seeds of Peace Camp</i>	Appropriates \$25,000 in FY 05 for scholarships to the Seeds of Peace Camp.	Effective Date: July 30, 2004 Administer funds in DOE Budget.	Judy Malcolm
L.D. 177, Resolve. Chapter 112 – <i>An Act to Ensure that Emergency Medical Help is Available to All School Children and Personnel</i>	Charges DOE to review the recommendations of the CPR and Automated External Defibrillators Work Groups and survey school administrative units and private schools enrolling more than 60% of their students at public expense to determine which schools have medical emergency response plans in place and have developed emergency response teams with members who hold valid certifications in CPR. The DOE is to submit a report to the Education and Cultural Affairs Committee, by November 3, 2004, including recommendations for any legislation for the First Regular Session of the 122 nd Legislature.	Effective Date: July 30, 2004 Complete survey by September 30, 2004. File report to Education and Cultural Affairs Committee by November 3, 2004.	David Stockford Judy Malcolm
L.D. 1082, Public Law. Chapter 533 – <i>An Act Regarding Habitual Truants</i>	Establishes procedures for a Superintendent or designee to correct a habitual truancy problem informally through meeting with the student, the student's parents and developing a plan to resolve the problem. It allows the superintendent to involve case managers, therapeutic treatment providers, the Department of Health and Human Services, DHS and the Department of Corrections in the solution. It also has provisions for the Superintendent to report the student as a truant to the school board and the local law enforcement department if the child and/or the parents, after 3 school days notice, are in noncompliance with the plan. Criminal action against the parent may result in a \$25 fine, a court order to follow the plan, and an order to participate in therapeutic intervention.	Effective Date: July 30, 2004 Administrative Letter to Superintendents by July 30, 2004.	Jackie Soychak

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
L.D. 1253, Resolve. Chapter 110 – <i>An Act to Ensure Playground Safety</i>	Directs the Department of Conservation to work with the Department of Education, the Department of Environmental Protection and the Executive Department to develop a pilot project to use waste tire material as a playground surfacing material and report back to the First Regular Session of the 122 nd Legislature on January 15, 2005.	Effective Date: July 30, 2004 The Department will participate as a partner with DOE, DEP and the Executive Department.	Judy Malcolm David Stockford
L.D. 1649, Public Law. Chapter 545 – <i>An Act to Rename the Former Vocational-technical Secondary Education Schools, Now Called Applied Technology Centers and Regions, Career and Technological Education Centers and Regions</i>	Changes the words “applied technology” to “career and technical” throughout the Maine Revised Statutes	Effective Date: July 30, 2004 Informational Letter to Superintendents by July 30, 2004.	Jackie Soychak
L.D. 1690, Public Law. Chapter 590 – <i>An Act to Authorize the STARBASE Program</i>	Authorizes the Adjutant General to establish a science, mathematics, and technology education improvement program for school children known as the STARBASE program. The bill appropriates \$310,000 in FY 05 for 2 teacher positions, one Teacher/Principal position, one Clerk Typist III position and operating costs.	Effective Date: July 30, 2004 Participate, as appropriate, as a partner with the Adjutant General.	Val Seaberg
L.D. 1694, Public Law. Chapter 633 – <i>An Act to Amend the Motor Vehicle Laws</i>	Reduces the number of times a school bus must be inspected by the State Police from four to three.	Effective Date: July 30, 2004 Communicated through the annual School Bus Safety Conference.	Judy Malcolm

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
		Participate as a partner with Maine State Police to collect safety data and analyze it relative to safety trends and maintenance performance.	
L.D. 1716, Resolve. Chapter 128 – Resolve, <i>Regarding Participation in the Federal No Child Left Behind Act of 2001</i>	<p>Requires the Department to investigate the costs and benefits of participating in the federal No Child Left Behind Act of 2001. This investigation must focus on the costs and benefits of aligning the federal No Child Left Behind Act of 2001 with Maine’s system of learning results and must include a comprehensive analysis of the costs and benefits of participating in the federal No Child Left Behind Act of 2001. The resolve also requires the Department to submit its findings and recommendations from this investigation to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2005.</p> <p>The resolve prohibits the Department from using state funds to implement the policies mandated by the federal No Child Left Behind Act of 2001 that are not funded by the federal government under the No Child Left Behind Act of 2001, except for state funds necessary to accomplish the following:</p> <ol style="list-style-type: none"> 1. The State may accept, administer and distribute federal funds made available to the State under the No Child Left Behind Act of 2001 in accordance with federal law and regulations even if there is a conflict with state statutes and rules; 2. The State may expend state funds for activities that the Department of Education was already conducting consistent with the federal No Child 	<p>Effective Date: July 30, 2004</p> <p>Conduct the investigation of the costs and benefits of participating in the NCLBA in alignment with the implementation of Maine’s Learning Results, and submit the report and recommendations to the First Regular Session of the 122nd Legislature by January 15, 2005.</p>	<p>Patrick Phillips Jaci Holmes</p>

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
	<p>Left Behind Act of 2001, or for activities authorized in the state budgets for fiscal year 2003-04 and fiscal year 2004-05; and</p> <p>3. The Department may use state funds to conduct the investigation of the costs and benefits of participating in the federal No Child Left Behind Act of 2001 and to submit its report and recommendations to the Legislature as required by this resolve.</p>		
<p>L.D. 1768, Public Law. Chapter 531 – <i>An Act to Authorize Certain School Children to Carry Asthma Inhalers on Their Persons</i></p>	<p>Requires public schools and private schools approved for attendance purposes by the Department of Education to adopt a written local policy allowing students to possess and self-administer asthma inhalers and epinephrine pens in the school. The written local policy must include the following requirements:</p> <ol style="list-style-type: none"> 1. That the school receives written approval from the student’s parent or guardian and the student’s primary health care provider before the school authorizes the student to self-administer an asthma inhaler or an epinephrine pen; 2. That the student’s parent or guardian provides written verification from the primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in a school; and 3. That the school nurse evaluate the student’s technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school. 	<p>Effective Date: July 30, 2004</p> <p>Administrative Letter to Superintendents by July 30, 2004.</p> <p>Monitor Implementation.</p>	<p>David Stockford</p>
<p>L.D. 1819, Public Law. Chapter 553 – <i>An Act to Implement the</i></p>	<p>Requires the Department, in consultation with the Governor Baxter School for the Deaf, to conduct an annual survey of all public schools for purposes of</p>	<p>Effective Date: July 30, 2004</p>	<p>David Stockford Judy Malcolm</p>

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
<i>Recommendations of the Study Group to Examine an Emergency Alert Notification System for Deaf and Heard-of-Hearing Individuals</i>	assessing the specialized customer communications equipment needs in the school system for deaf and hard-of-hearing students and their needs, the availability of specialized communications equipment and the status of the training for teachers in the use of specialized customer communications equipment and report the results to the Joint Standing Committee of the Legislature having jurisdiction over labor matters.	Complete the first annual survey and report the results to the Labor Committee by January 15, 2005.	
L.D. 1828, Public Law. Chapter 513 – <i>An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary for the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005</i>	<p>The supplemental budget for the Second Regular Session of the 121st Maine Legislature</p> <p>Part A—de-appropriates \$2,338,007 in General Purpose Aid from one-time savings in foundation costs to the General Fund in FY 04.</p> <p>Part F—lapses \$1,365,855 of unencumbered balances from General Purpose Aid to the General Fund in FY 04.</p> <p>These were targeted general fund reductions to meet the needs of Medicaid and balance the FY 04 state budget.</p>	<p>Effective Date: April 30, 2004</p> <p>None.</p>	Jim Rier
L.D. 1829, Public Law. Chapter 576 – <i>An Act to Amend the Membership of the Children’s Cabinet</i>	Amends the membership of the Children’s Cabinet to add the Commissioner of Labor and, at the discretion of the Governor, a member of the public.	<p>Effective Date: July 30, 2004</p> <p>None.</p>	David Stockford
L.D. 1869, Resolve. Chapter 121 – <i>Resolve,</i>	Provides legislative authorization for amendments to portions relating to teachers and administrators of	EMERGENCY	Judy Malcolm

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
<i>Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education</i>	Chapter 115: Certification, Authorization and Approval, a major substantive rule. The rule includes new performance standards for both beginning teachers and school administrators.	Effective Date: April 6, 2004 Ongoing administration	
L.D. 1883, Public Law. Chapter 704 – <i>An Act to Coordinate Education, Job Training and Employers in Maine</i>	Establishes, among other things, a Future for Youth in Maine State Work Action Team “the S.W.A.T. team” as an advisory board to bring together representatives of government, education, business and labor in a focused coordinated effort to recommend strategies and develop and implement a plan by January 15, 2005 to retain and attract youth as part of a larger economic development plan.	Effective Date: July 30, 2004 Serve as a member of “the S.W.A.T. team”	Yvonne Davis
L.D. 1913, Public Law. Chapter 689 – <i>An Act to Establish the Department of Health and Human Services</i>	Reorganizes the delivery of services to adults, children and families by the Department of Human Services and the Department of Behavioral and Developmental Services through the establishment of a transition to the new Department of Health and Human Services. Specific to the Department of Education, the Commissioner will work closely with the Commissioner of Health and Human Services and the Commissioner of Corrections to review the delivery of Child Development Services (CDS) and juvenile justice services. By January 31, 2006, the Commissioner of DHS shall submit a report including recommendations and any necessary	EMERGENCY Effective Date: May 6, 2004 Work with DHS to develop recommendations for the January 31, 2006 report to the Health and Human Services Committee.	Susan Gendron

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
	legislation to the Governor and the Joint Standing Committee of the Legislature having jurisdiction over health and human services matters.		
L.D. 1915, Resolve. Chapter 143 – <i>Resolve, to Implement the Recommendations of the Commission to Study the Scope and Quality of Citizenship Education</i>	<p>Implements the recommendations of the Commission to Study the Scope and Quality of Citizenship Education. The law accomplishes the following:</p> <ol style="list-style-type: none"> 1. It directs the Department of Education to consider the recommendations of the commission related to implications for the system of learning results when it reviews the guiding principles, the performance standards and the content indicators of the system of learning results, beginning with the 2003-2004 school year; 2. It directs the Legislative Youth Advisory Council to seek outside funding to conduct a series of statewide public forums on issues important to youth and to invite Legislators from the various regions of the State to these public forums; and further requires the Legislative Youth Advisory Council to report its findings and any conclusions to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters, the Judicial Department and the Task Force on Citizenship Education; and 3. It directs the Department of Education and the State Board of Education to jointly convene a Task Force on Citizenship Education to address the recommendations of the Commission about an interim status report including preliminary findings to the Joint Standing Committee on Education and Cultural Affairs to the Commissioner and the State Board of Education no later than November 3, 2004 and a final report including any necessary 	<p>Effective Date: July 30, 2004</p> <p>Convene and participate as a member of the Commission to Study the Scope and Quality of Citizenship Education, and file required reports to the Education Committee by November 3, 2004 and December 5, 2005.</p>	Patrick Phillips

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
	legislation, the Commissioner and the State Board of Education, and the Education Committee no later than December 5, 2005.		
L.D. 1916, Public Law. Chapter 688 – <i>An Act to Correct Errors and Inconsistencies in the Laws of Maine</i>	With regard to education, it corrects and repeals several cross references and punctuation errors that have occurred as the school finance statutes were revised over time including conflicting statutes regarding the approval requirements for leasing temporary interim nonadministrative space based on undue burden created by fiscal capacity, enrollment demographics, or any unforeseen circumstances not within the control of the school administrative unit.	EMERGENCY Effective Date: May 6, 2004 Informational Letter to Superintendents by July 30, 2004.	Jim Rier
L.D. 1917, Public Law. Chapter 708 – <i>An Act to Implement the Recommendations of the Legislative Youth Advisory Council</i>	Implements the recommendations of the Legislative Youth Advisory Council. The law accomplishes the following: <ol style="list-style-type: none"> 1. It allows for the continued provision of state support for state wards who are still enrolled in postsecondary education programs when they reach 21 years of age by authorizing the Department of Human Services, at discretion and by agreement with a state ward, to continue providing support for room, board and related education expense until that state ward reaches 23 years of age; 2. It directs the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Education to study and report back to the Legislative Youth Advisory Council on ways to increase participation in school activities by students residing with other than the parent or parents; 	Effective Date: July 30, 2004 Participate as a partner in the Legislative Youth Advisory Council	David Stockford

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
	<p>3. It directs the Secretary of State and the Department of Human Services to study and report back to the Legislative Youth Advisory Council on barriers that may exist for youth residing in group homes in obtaining driver's licenses and methods to overcome those barriers; and</p> <p>4. It retains the current funding and staffing responsibilities provided for the Legislative Youth Advisory Council.</p>		
<p>L.D. 1919, Chapter 673 – <i>An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005</i></p>	<p>The Supplemental Budget bill of the Second Special Session of the 121st Maine Legislature the bill: Provides a net gain of five (5) federally funded DOE positions to provide administrative secretarial and clerical support for the DOE Support Team and for DOE Standards Assessments and Regional Services Team, clerical support for NCLBA Reading First, and education specialist staff for NCLBA Education Certification Program 21st Century Program and Pre-School Handicapped Program.</p> <p>Authorizes the Commissioner's Recommended Funding Level to include a \$15 million dollar increase in General Purpose Aid for a total of \$740,378,576 in FY 05.</p> <p>Sets the per pupil guarantee at \$4,816. The reduction percentage remains at –2.99%. Raises the maximum debt service ceiling to: \$100,000,000 in FY 2008 \$104,000,000 in FY 2009</p> <p>Provides clarifying language regarding the lease-purchase for the replacement of Carpenter Buses. Lapses \$2,400,000 of encumbered balance from the Education in the Unorganized Territories account</p>	<p>Effective Date: July 30, 2004</p> <p>Ongoing Administration</p>	<p>Susan Gendron and Leadership Team</p> <p>Susan Gendron and Leadership Team</p>

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
	<p>from FY 2004 to the General Fund in FY 2005. Appropriates \$87,000 for Adult Education in FY 2005</p> <p>Appropriates \$32,000 additional for the Magnet School in FY 05 to bring the total allocation to \$1,620,442.</p> <p>Appropriates \$6,000,000 in FY 05 of one-time funds to be used for payment of compensation to former students who were victims of physical or sexual abuse at the Governor Baxter School for the Deaf. Strengthens the Essential Programs and Services (EPS) model of school funding by including special education and transportation in the model.</p>		
<p>L.D. 1924, Public Law. Chapter 712 – <i>An Act to Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief</i></p>	<p>Establishes the Municipal Budget Analysis Committee charged with measuring the progress and success, based on benchmarks and projected performance indicators, in achieving property tax relief and adequacy and equity in education funding. The Committee is to report annually to the Governor, the joint standing committee of the Legislature having jurisdiction over appropriation and financial affairs, and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. Increases the state share of education costs to 55% in FY 2010 or a \$340 million increase over the five year period from 2005-2010.</p> <p>Strengthens the Essential Program and Services (EPS) model of school funding by including special education and transportation in the model.</p> <p>Establishes a new method of distribution for the state share of education funding that will ensure that local</p>	<p>Effective Date: July 30, 2004</p> <p>Participate as a partner in the Municipal Budget Analysis Committee</p> <p>Continue work plan for integration with Question 1, Essential Programs and Services and Learning Results</p>	<p>Jim Rier Patrick Phillips</p> <p>Jim Rier Patrick Phillips</p>

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
	<p>municipalities, single or part of a school administrative unit, will not be required to raise more than 8 mills for their local share of education costs for FY 2010.</p> <p>Delays graduation requirements for five content areas of Learning Results (English Language Arts, health and physical education, mathematics and science and technology) and implementation of the other three content areas (career preparation, foreign languages, and visual and visual and performing arts) by one year to the 2007-2008 school year.</p>		
L.D. 1926, Public Law. Chapter 600 – <i>An Act to Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to the State Government Evaluation Act</i>	<p>Establishes the next date for the Department of Education Legislative Program Review as 2005. The Department will submit its Self Evaluation Report to the Education Committee in November, 2005. The Education Committee will schedule a review of the self-evaluation in January 2006. The bill also requires each state agency to have a designated qualified employee whose responsibility, in addition to that employee's regularly assigned duties, is to ensure that the State Agency or department has written documentation of its internal administrative control system on file.</p>	<p>Effective Date: July 30, 2004</p> <p>Complete and submit DOE self-evaluation report by November, 2005.</p>	<p>Greg Scott</p>
L.D. 1940, Chapter 602 – <i>An Act to Clarify Departmental Reporting Requirements for Developmental Disability Prevention Activities</i>	<p>Requires the Department of Education, the Department of Human Services and the Department of Behavioral and Developmental Services to submit a joint report by January 15th of each year to the joint standing committee of the Legislature having jurisdiction over health and human services matters</p>	<p>Effective Date: July 30, 2004</p> <p>Participate as a partner with DHS and DBDS to submit the first annual report by</p>	<p>David Stockford</p>

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
	regarding activities conducted over the last fiscal year related to the prevention of developmental disabilities and plans for such activities in the coming year. The report must also include data on the incidence rate of births of developmentally disabled children in the State.	January 15, 2005 to the First Regular Session of the 122 nd Maine Legislature.	
LD 1944, Private and Special Law. Chapter 45 – <i>An Act to Authorize Educational Technicians II in Winslow, China and Vassalboro</i>	Extends the time by which school administrative units may request upgrades to higher classifications for persons employed as teacher assistants or as teacher associates before September 1, 1991 (1) who were otherwise eligible for upgrades under the provision of law enacted by Private and Special Law 1995, chapter 35; and (2) who were not recommended for promotions due to an error on the part of a school administrative unit.	EMERGENCY Effective Date: April 15, 2004	Judy Malcolm
L.D. 1946, Public Law. Chapter 617 – <i>An Act to Promote the Coordination of School Calendars for Career and Technical Education Students</i>	Requires school administrative units to develop and approve plans for a regional school calendar by September 2005. The law also directs the Commissioner of Education to develop major substantive rules to implement these regional school calendars for sending schools and career and technical education regions and centers in the State.	Effective Date: July 30, 2004 Administrative Letter to Superintendents and career and technical region and center director's by July 30, 2004. Adopt provisional rules by November 30, 2004 for submission to the 1 st Regular Session of the 122 nd Maine Legislature for approval as Major Substantive Rules.	Sue Gendron Yvonne Davis

Title	Provisions	Action Required and Date to be Completed	Person Responsible for Action
	<p>of the 122nd Legislature. It also provides that the emergency rules be effective until the Legislature has completed review of those rules; and</p> <p>3. It directs the Commissioner of Education to determine the adjustment to the statewide adjustment factor necessary for the amount of state funds that are deappropriated from the General Purpose Aid for Local Schools account in fiscal year 2005-06 to reflect the savings attributable to the delayed entry of eligible 5-year-olds into kindergarten for the 2004-05 school year, and further requires the commissioner to develop and present a plan by December 31, 2004 to ensure greater equity of education opportunities and efficiency in the use of state and federal resources for early childhood education and preschool handicapped programs beginning no later than fiscal year 2005-06. The commissioner shall present this plan to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, and the joint standing committee may introduce legislation regarding this matter during the first regular session of the 122nd Legislature.</p>		

**SUMMARY LISTING OF NON-LEGISLATIVE COMMITTEES, COMMISSIONS AND STUDIES
ESTABLISHED BY THE JOINT STANDING COMMITTEE ON EDUCATION AND CULTURAL
AFFAIRS OF THE SECOND REGULAR SESSION OF
THE 122ND MAINE LEGISLATURE***

Committee/Commission/Report	Bill Reference	Action Steps	Person Responsible
Rulemaking by the Department was agreed by all parties to be the preferred route to statutory changes as proposed to address the need to ensure that vending machines on school property contain only products that meet minimal federal nutritional requirements.	LD 104 <i>An Act to Help Public Schools Promote Public health and Address Childhood Obesity</i> (OUGHT NOT TO PASS)	The Department of Education will hold a public hearing in July 2004 on Rule, Chapter 51 "Child Nutrition Programs in Public Schools and Institutions" to require that vending machines on school property contain only products that meet minimal federal nutritional requirements.	Judy Malcolm David Stockford
The State Board of Education is directed, by the Education Committee, to report to the Committee during the First Regular Session of the 122 nd Legislature (by January 14, 2005) with appropriate recommendations for the improvement of the oversight of roles and responsibilities of State agencies involved in state-supported, "major capital school construction".	LD 149 <i>An Act to Transfer Bureau of General Services School Construction Functions to the Maine Department of Education</i> (OUGHT NOT TO PASS)	The State Board of Education will meet with appropriate stakeholders and present a report and recommendations to the Education Committee by January 14, 2005 of the First Regular Session of the 122 nd Legislature.	Jim Carignan Sue Gendron
The Department of Education is directed by the Education Committee to form a working group of stakeholders to examine teacher workload, teacher	LD 1344 <i>An Act to Give Teachers a Greater Voice in School Improvement</i> (DIED IN	Continue to meet with the Task Force to Examine Issues Regarding Teacher Workload established by Commissioner Gendron and provide updates	Sue Gendron

Committee/Commission/Report	Bill Reference	Action Steps	Person Responsible
and services for Maine students and Maine taxpayers. The letter would also inform school officials that schools are eligible to participate in certain State-level purchasing opportunities through the Division of Purchases.			